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GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES  
DIRECTOR

February 11, 2008

TO: Rebecca A. Humphries, Director

INFORMATION: Natural Resources Commission

Transaction: Sale of Easement across Dedicated State-owned Land  
Atlanta Management Unit – Alpena County  
Alpena to Mackinaw Trail  
Land Transaction Case #20000274

Description: Alpena County, Maple Ridge Township, T32N, R07E, Section 25; An easement for a driveway across a strip of land 15-foot-wide by 5,666-foot long bordering on the east side of the inactive Detroit & Mackinac Railway right-of-way. 1.95 acres

Purchasers: Gerald W. MacArthur and Vivian A. MacArthur, Hillman, Michigan

Sale Price: \$18,130.00 (fee schedule value)

Authority: Act 451, Public Acts of 1994 as amended

Notice: This item will appear on the Department of Natural Resources' (Department) February 25, 2008 Calendar and is eligible for approval on March 3, 2008. The transaction was also posted in local newspapers as required by legislation.

Comments: The applicants desire a 15-foot-wide by 5,666-foot long driveway easement for a single family residence. At the applicants' request, their application was placed on hold while they sought legal access across a neighbor's parcel. Having not been successful in their effort, the applicants requested that the processing of their request for access over State-owned land resume.

The property immediately south of, and adjacent to, the applicants' land is owned by the Detroit and Mackinac Railway Company (D & M). When the D & M sold its interest in the corridor, the D & M retained an access easement to its property over the corridor. This resulted in a 4,000-foot-long driveway within the corridor. The proposed easement will coincide with the existing driveway for its length and will extend an additional 1,666 feet within the easternmost 15 feet of the corridor.

NATURAL RESOURCES COMMISSION

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The proposed sale of easement was reviewed by Department staff and was approved by the Department's Land Exchange Review Committee in October 2007, with the conditions outlined below. The Alpena to Mackinaw Trail, over which the easement is requested, was acquired with funds provided by the Michigan Natural Resources Trust Fund in 2003.

The Land Exchange Facilitation Fund (LEFF) Act allows the Department to sell rights in land and deposit the proceeds in a fund, which can then be used to acquire replacement property. Deposit of said proceeds will not cause the fund to exceed \$2,500,000.00, as stipulated by legislation. Proceeds from the sale will be deposited in the LEFF.

Recommendations: (1) That this sale of a non-exclusive driveway easement be approved, subject to the following conditions:

- a) From Boilore Road, the granted driveway easement shall follow the currently existing drive. Once that drive ends, and for the additional 1,666 feet, the easement shall be located within the easternmost 15 feet of the corridor.
- b) The applicants, working with the Atlanta Management Unit to ensure the safety of trail users, shall develop and maintain a separation between the granted driveway easement and the recreational trail.
- c) The entrance to the granted driveway easement at Boilore Road shall be gated and locked at all times other than during entry and exit.
- d) The granted driveway easement shall be for ingress and egress to private land for personal use only and to service no more than one single-family dwelling.
- e) As required by 16 USC 1247(d), this property must be maintained and used in a manner to ensure that the property remains viable for possible future rail usage.

(2) That the proceeds from the sale be deposited into the LEFF, Trailway Subfund.

David E. Freed, Chief  
Land and Facilities

Lynne M. Boyd, Chief  
Forest, Mineral and Fire Management

Douglas A. Reeves, Acting Chief  
Wildlife

Arminda S. Koch  
Resource Management Deputy

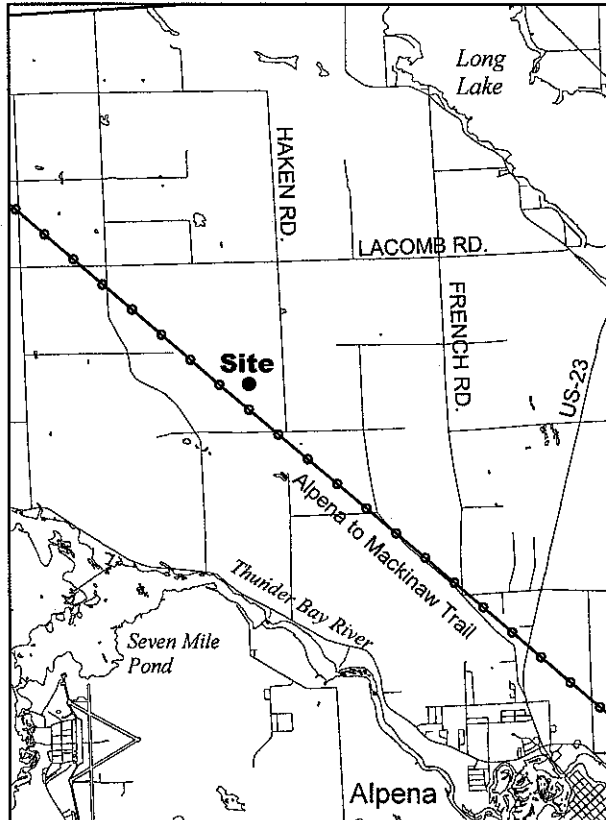
Dennis R. Fedewa  
Chief Deputy

I approve the staff recommendations.

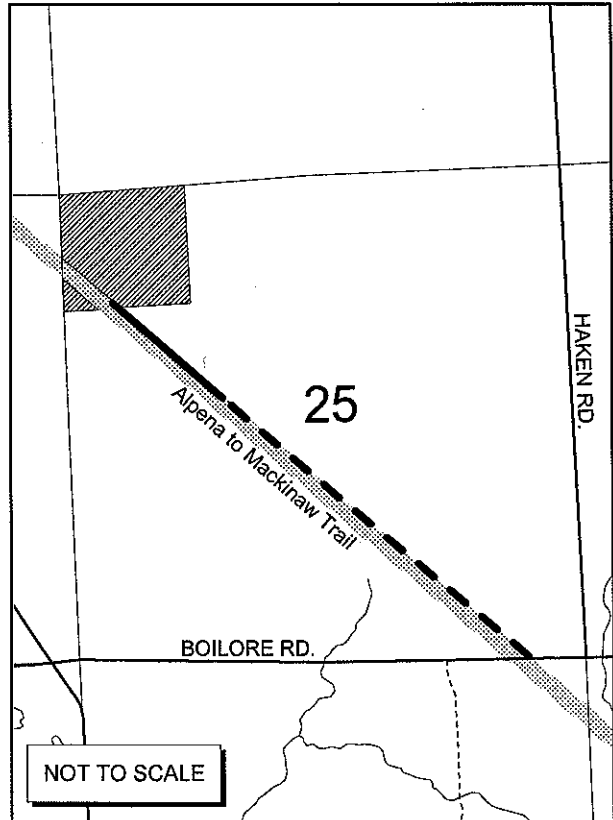
Rebecca A. Humphries  
Director

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Date Approved

**SALE OF EASEMENT ACROSS DEDICATED STATE-OWNED LAND**  
**Atlanta Management Unit - Alpena County**  
**Alpena to Mackinaw Trail**  
**Land Transaction Case #20000274**

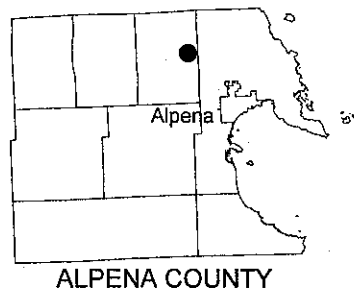


Regional Location



Section 25, T32N, R07E, Maple Ridge Township

- Applicants' Land
  - State Land
  - Private Land
  - Desired Easement
  - Desired Easement on Existing Driveway
- Total Easement Length (15 by 5,666 feet, approximately)



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